

## **EXPERIENCES IN COOPERATIVE SECURITY IN THE OSCE: ARE THEY APPLICABLE TO NORTHEAST ASIA?**

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This year marks the 30th anniversary of the Helsinki Final Act of 1975. From 1975 onward, the Conference on Security and Cooperation in Europe (CSCE) would evolve from a diplomatic conference into an international organization -- the Organization for Security and Cooperation in Europe (OSCE).

The Organization for Security and Cooperation in Europe has evolved into a pan-European security framework, serving as a European cooperative security regime for over three decades. Throughout this period, it has adapted to the shift in security environments from the Cold War era to the post-Cold War era in Europe. It has played a pivotal role in coping with new security threats, consequently taking on a comprehensive security role. Now the OSCE is regarded as a prototype of cooperative security that can be applicable to other regions. In this sense, it is appropriate to discuss the issue of security cooperation in Northeast Asia by first examining the OSCE experiences. In order to draw some references for Northeast Asia, I will briefly describe the variations by breaking the entire OSCE process (1972-2005) into five phases according to the discernible changes.

### **Phase I: Creation (Nov. 1972 - Aug. 1975)**

The first phase is characterized by the Conference on Security and Cooperation in Europe (CSCE), which culminated in the adoption of the Helsinki Final Act in 1975.

The CSCE in the first phase primarily developed a primitive arms control regime that was limited to operational control, namely confidence-building measures (CBMs). The CBMs contain some information measures such as prior notification of major military maneuvers on a multilateral basis. They also contain declaratory measures on “refraining from the threat or use of force against territorial integrity or political independence.” However, the CSCE arms control regime still lacked structural control measures such as disarmament. In addition, it also lacked a verification regime in the real sense, despite provisions for voluntary observation.

The instruments for conflict management were still in the primitive stage. The CSCE was devoted itself only to declaratory measures for long-term conflict prevention. This was mainly manifested in the “cooperation in the fields of economics, of science and technology and of the environment” of Basket II, and “cooperation in humanitarian and other fields” of Basket III. They all aimed at ‘peace building’ by eliminating root causes of conflict in the long term. On the other hand, the Principle of ‘Peaceful Settlement of Disputes’ in Basket I of the Helsinki Final Act served as an instrument for conflict settlement. This principle laid a cornerstone for a future CSCE conflict settlement regime.

## **Phase II: Development (Oct. 1977 - May 1986)**

The second phase is characterized by CSCE regime development. The main achievement of the second phase was in the CSCE arms control and verification regime, namely the development of an arms control regime from CBMs to confidence- and security-building measures (CSBMs) and the adoption of on-site inspection.

For long-term peace building measures, a number of new agreements were also achieved in the Madrid Meeting, but still remained at the level of “principles and

norms.” The Madrid Concluding Document pointed to the use of bilateral round-table meetings between the CSCE participating states to discuss human rights issues on a voluntary basis. This idea can be regarded as the embryo of a CSCE short-term conflict prevention regime, which was developed into the Human Dimension Mechanism in the third phase.

A CSCE conflict settlement regime was not yet established in spite of two expert meetings in Montreux (October 31 - December 11, 1978) and in Athens (March 21 - April 30, 1984).

### **Phase III: Transition (Nov. 1986 - Nov. 1990)**

The third phase is characterized by CSCE regime transition, which was mainly caused by the collapse of the Cold-War structure in Europe. In accordance with the drastic changes in international climate, the CSCE also underwent revolutionary changes. Change was first apparent in the CSCE arms control regime. First, by incorporating the Conventional Forces in Europe (CFE) talks, the mandate of the CSCE security regime was functionally expanded. CSBMs dealing with the ‘software’ of the military establishment were complemented by arms control measures concerning ‘hardware’ issues. In other words, the CSCE arms control regime was strengthened by integrating structural control measures and operational control measures.

In addition, the new developments of the Vienna CSBMs marked the third generation of CSBMs. Compared to the first generation of the Helsinki CBMs and the second generation of the Stockholm CSBMs, the Vienna CSBMs were expanded, more specified, more militarily significant, more sophisticated (computerized) and institutionalized (an annual implementation assessment meeting in the context of a CPC). The decision to establish a Conflict Prevention Centre (CPC) was of great

significance. Even though its role was limited to support for the implementation of CSBMs, the Paris Chapter opened the possibility of a role as a potential linchpin for an emerging new European security system.

Second, the CSCE verification regime, was strengthened by the establishment of an evaluation mechanism. Information provided under the provisions on “Information on Military Forces” and on “Information on Plans for the Deployment of Major Weapon and Equipment Systems” was to be subject to evaluation. Thus each participating state was obliged to provide the opportunity to visit active formations and units in their normal peacetime locations.

Third, a CSCE crisis management regime was established in the third phase. In the military dimension, a striking new element of the Vienna Document was the adoption of the so-called “mechanism for consultation and cooperation as regards unusual military activities.” This mechanism was clearly inspired by the mechanism of the human dimension mentioned above. It consists first of a bilateral phase of exchange of information within 48 hours after the request. If the requesting state is not satisfied, it is entitled to request either a bilateral meeting or an emergency meeting of all CSCE states. This was the first procedural deviation from the sacred principle of consensus in the CSCE decision making.

Another mechanism for crisis management in the military dimension is “cooperation as regards hazardous incidents of a military nature” (Section II of the Vienna CSBM Document of 1990). The CSCE states agreed on a number of procedures to prevent misunderstandings and mitigate effects on other participating states by reporting and clarifying hazardous incidents of a military nature in the zone of application for CSBMs. The initiative for cooperation in this area rests primarily with the state where hazardous incidents occur: it should inform the other CSCE states about such events.

Fourth, what distinguished the third phase from the previous one was the incorporation of the conflict-prevention regime known as the Vienna Mechanism. As a result of a Western desire to improve the implementation of CSCE provisions in the 'human dimension,' which includes the Principles section of Basket I as well as Basket III, a device was created at the Vienna Follow-up Meeting known as the 'human dimension mechanism.' This mechanism allows any participating state to raise instances of non-compliance with any other state at any time and commits the other to respond. As mentioned earlier, this mechanism consists of four phases: 1) exchange of information on questions relating to the human dimension; 2) holding a bilateral meeting to resolve them; 3) informing all other states about them unless the bilateral meeting fails to resolve them; and 4) raising the problem at the Conference on the Human Dimension (CHD) and the CSCE Follow-up Meeting.

Another important CSCE instrument for long-term conflict prevention was the establishment of the Office of Free Election (OFE, later ODIHR) in Warsaw. The main task of the Office is to facilitate contacts and the exchange of information on elections, including making available information and data relating to specific elections, in addition to broader efforts, such as seminars and other meetings regarding election procedures, democratic institutions, the rule of law and human rights. This new institution was responsible for peace building to encourage long-term conflict prevention.

Finally, it is worth noting that the third phase witnessed significant progress in forming a CSCE conflict-settlement regime for peacemaking. During the course of the Vienna meeting, the CSCE participating states once again attempted to address the issue of peaceful settlement of disputes. Switzerland succeeded in convincing the other neutral and non-alignment states to submit a joint proposal on the peaceful settlement of

disputes. It suggested establishing categories of disputes that would be subject to peaceful settlements with the mandatory involvement of a third party. It was decided to convene a meeting of experts in Valletta in 1991 in order to establish a list of categories where the mandatory involvement of a third party should apply to consider the related procedures and mechanisms.

#### **Phase IV: Transformation (Nov. 1991 - Dec. 1994)**

The fourth phase is characterized by CSCE regime transformation, which was accompanied by the change of name to the OSCE and additional functional elaboration and institutional consolidation. In this phase, the CSCE arms control regime continued to see changes in light of meeting the challenges presented by the post-Cold War era. The harmonization of arms control regimes and the elaboration of a code of conduct created a normative basis for meeting these changes. In doing this, the Forum for Security Cooperation (FSC) provided an adequate framework for addressing a variety of issues. However, the traditional arms control regimes developed within the CSCE still fall short of the demands of the present era. There is no longer a military threat in Europe from the East. The principal threats and conflicts come more from the political, economic, societal and environmental dimensions rather than from the military dimension. They are also at a domestic or regional level, rather than an international level. This qualitatively new threat of conflict called for a new approach for the FSC. For this reason, the 1994 Budapest Review Meeting decided to develop a new framework for arms control to be comprehensive in scope with an emphasis on tackling regional security problems and crises.

The CSCE verification regime did not change greatly in the fourth phase. In contrast, what draws our attention are the new elements of a non-proliferation regime in the CSCE. The 1994 Budapest Review Meeting adopted principles governing non-

proliferation and conventional arms transfers, yet it still remained at the level of principles and norm setting.

The CSCE crisis management regime was strengthened by the establishment of the “mechanism for consultation and cooperation with regard to emergency situations,” known as the ‘Berlin Mechanism.’ This mechanism is generally applicable to serious emergency situations that arise from a violation of one of the Principles of the Final Act or as a result of major disruptions endangering peace, security or stability. Besides this, the Vienna CSBM Document contains some “stabilizing measures for localizing crisis situations” in the field of military security.

The most remarkable changes in the CSCE security regime were made in the area of conflict management. The CSCE conflict prevention regime was considerably reinforced by the early warning functions of the CSCE High Commissioner on National Minorities (HCNM) and the Moscow Mechanism in the human dimension. A significant breakthrough was also made to the CSCE conflict settlement regime by the role of the good office played by the HCNM, expert and rapporteur missions dispatched by the Moscow Mechanism; incorporating the Valletta Mechanism into the CPC; establishing a Court of Conciliation and Arbitration; and by opening the possibility of CSCE peacekeeping.

Finally, in spite of the expanded functions of the CSCE security regime, its effectiveness remains in doubt. As long as decisions can only be made by consensus, there is no possibility for an effective crisis management and conflict management regime. In fact, the consensus rule has undermined the effectiveness of the CSCE as a security regime. Growing awareness of this has led to some exceptions to the application of the consensus rule. Examples include the inspection system of CSBM, in the Human Dimension Mechanism, the Valletta Mechanism, the two emergency

mechanisms of the Vienna CSBM Document 1990, and the Berlin Mechanism. Nonetheless, the possibility of changing the decision-making rule from consensus to majority rule remains remote on account of the “political heterogeneity” of the CSCE.

#### **Phase V: Stabilization (1995 - 2005)**

The fifth phase is characterized by OSCE regime stabilization. In the fifth phase, the OSCE sought to develop new ways to deal with security concerns affecting all states in the OSCE area. In order to provide conceptual and structural coherence to the OSCE efforts, the OSCE decided to establish a Framework for Arms Control, designed to create a web of interlocking and mutually reinforcing arms control obligations and commitments. The basis for such a web includes the CFE Treaty, the Vienna Document, the Code of Conduct, the Treaty on Open Skies, and so on. These efforts were the logical consequence of the principle of the indivisibility of security.

In parallel with the efforts mentioned above, negotiations on CSBMs were continued in the Forum for Security Cooperation. As a result, at the Istanbul Summit in November 1999, participating States agreed on a new Vienna Document 1999 that collated many of the existing CSBMs and added a new chapter on regional measures. In order to facilitate the implementation of the provisions of the Vienna Document, the participating states established a network of direct communication between their capitals for the transmission of messages relating to CSBMs.

Meanwhile, the OSCE verification regime remains basically unchanged. It is simply stressed that the measures adopted should be combined, as appropriate, with verification that is commensurate with their substance and significance. Likewise, the OSCE non-proliferation regime has not made much progress. However, it needs to be noted that the FSC has made further efforts to develop Norm- and Standard-Setting Measures



(NSSMs), such as the Principles Governing Conventional Arms Transfers and the Principles Governing Non-Proliferation. Recently, the OSCE has paid close attention to the proliferation of man-portable air defense systems (MANPADS). The FSC is promoting the application of effective and comprehensive export controls in respect of MANPADS, as well as encouraging states to seek assistance in destroying excess MANPADS and ensuring the security and integrity of national stockpiles to guide against theft or illicit transfer.

The operational capabilities in crisis and conflict management of the OSCE were enhanced by a number of new measures. For instance, the Platform for Cooperative Security was adopted in order to strengthen cooperation between the OSCE and other international organizations and institutions. The Rapid Expert Assistance and Cooperation Team (REACT) was created in order to enable the OSCE to respond quickly to demands for assistance and for large civilian field operations. An Operation Center was established within the Conflict Prevention Center in order to plan and deploy OSCE field operations. In addition, the OSCE's role in civilian police-related activities was enhanced as an integral part of its efforts in conflict prevention, crisis management, and post-conflict rehabilitation.

### **Is Cooperative Security Applicable to Northeast Asia?**

As generally agreed, prerequisites for multilateral security cooperation in Northeast Asia differ from those in Europe. To make matters worse, bilateral relations between regional powers are fatally deteriorating, doing great harm to the international security climate in Northeast Asia. For example, the four rounds of Six-Party Talks created to resolve the North Korean nuclear problem have not produced the tangible results hoped for, and U.S.-DPRK relations have remained inhospitable, although the most recent round did show some positive progress, as both U.S. and DPRK envoys did hold several

bilateral meetings during the talks. The ROK-U.S. alliance is in tension with regard to what is called the “strategic flexibility” of the USFK. The diplomatic row between Korea and Japan over the territorial conflicts on Dokto islets in the East Sea and the Japanese attempts to justify the atrocities it committed during World War II continues. In the same vein, the rapid and worrisome rise in tension between China and Japan is also becoming a destabilizing force in Northeast Asia. In addition, Japan and North Korea are at loggerheads over a number of issues, including the Cold War-era abduction of Japanese citizens by North Korean agents and Pyongyang’s weapons of mass destruction. The process of China’s formulation and passage of the “anti-separation law” amplified resentment of the Taiwanese people, and the dark clouds of non-peacefulness continue to loom over the Taiwan Strait.

It is true that all these issues have a negative impact on the prospects for cooperative security in Northeast Asia. Thus, the possibility of an OSCE-type security regime formation seems to be remote in Northeast Asia for the foreseeable future. However, this fact does not mitigate the necessity for cooperative security in the region. On the contrary, it becomes more and more imperative. Against this backdrop, the remaining part of this essay will discuss plausibility of some OSCE practices in Northeast Asia.

First of all, taking the accelerating arms race in Northeast Asia into account, a sort of arms control regime needs to be introduced. However, in doing so, operational measures, namely confidence-building measures, need to be enacted as a preliminary step. As noted before, the primitive Helsinki CBMs have evolved into more advanced measures as the CSCE/OSCE process has proceeded. The first step is needed to trigger the subsequent ones. Each aspect of progress was made possible on the basis of solid implementation of the agreed CBMs. This implies that confidence building cannot be achieved in a short time. Rather, it may require a series of incremental steps.

Given the contextual and geographical characteristics of Northeast Asia, it seems that the applicability of CBMs might call for an incremental approach. In other words, CBMs could be applied bilaterally at the initial stages and then multilaterally at the later stages. Bilateral CBMs could be applied to at least four areas in Northeast Asia: the Korean peninsula; the Sino-Russian border areas; the Sino-Vietnamese border area; and the Northern Territories. It is hoped that the emerging patterns of bilateral CBMs in these areas would pave the way to the introduction of multilateral CBMs in the region. Of course, the pursuit of multilateral CBMs in Northeast Asia calls for prior resolutions to key bilateral security issues between the states concerned.

Second, special efforts to handle North Korean nuclear intentions and motivations highlight the need for a regional non-proliferation arrangement in Northeast Asia. In fact, the nuclear issue should be managed under the global non-proliferation regime, namely the NPT (Nuclear Non-Proliferation Treaty). North Korea's pursuit of a plutonium based nuclear program triggered the first nuclear crisis. Consequently, the North unilaterally withdrew from the NPT in March 1993; nullified the 1992 denuclearization agreement with South Korea in May 1993; and later violated the 1994 Agreed Framework, which was created to put an end to the North Korean nuclear issue. With the revelation of North Korea's uranium based nuclear program in October 2002, the Korean peninsula entered into a second nuclear crisis. In an effort to resolve this crisis on a multilateral basis, four rounds of Six-Party Talks have been held in Beijing so far. If the issue is resolved peacefully through negotiations under the framework of the Six-Party Talks, the notion of cooperative security will take on a much greater relevance in Northeast Asia.

Third, escalating tensions in the region increase the need for a certain type of crisis management approach in Northeast Asia. For example, a hotline was installed in September 2002 between North and South Korean military staff on the railway and

highway construction site within the highly fortified “demilitarized zone” (DMZ) that separates the two countries. This device can be employed at the general level as a standing military hotline between North and South Korea. Likewise, other hotlines can also be installed between or among states in the region, either bilaterally or multilaterally.

Moreover, it is worthwhile to study the “mechanism for consultation and cooperation with regard to emergency situations” in regard to its applicability in Northeast Asia. This mechanism applies to serious emergency situations, which arise as a result of major disruptions endangering peace, security, and stability in the region. The so-called ‘Berlin Mechanism’ can be applied *mutatis mutandis* to Northeast Asia if a multilateral security body is formulated. Another mechanism for crisis management in the military dimension is “cooperation as regards hazardous incidents of a military nature.” The Northeast Asian states may agree on a number of procedures to prevent misunderstandings and mitigate effects on other states by reporting and clarifying hazardous incidents of a military nature.

A device for short-term or long-term conflict management is theoretically conceivable, but does not seem realistic at the moment. Nevertheless, it is worthwhile to speculate on the applicability of OSCE’s experiences in short-term conflict prevention to Northeast Asia. In this regard, the High Commissioner on National Minorities (HCNM) deserves our attention. The HCNM is at the core of the OSCE conflict prevention. Its main mandate is to provide “early warning” and, as appropriate, “early action” at the earliest possible stage in regard to tensions involving national minority issues that have not yet developed beyond an early warning stage, but have the potential to develop into a conflict within the OSCE area, affecting peace, stability or relations between participating states. It seems that the mandate of HCNM has, to a certain extent, implications for humanitarian issues in Northeast Asia. For instance, human

rights issues in general, and North Korean refugee issues in particular, have the potential to develop into regional conflicts. Thus, a Northeast Asian version of HCNM might be plausible and beneficial in the long run, even if this idea may be provocative to some states in the region.

In short, the experiences in cooperative security in the OSCE should be closely examined for possible application in Northeast Asia. In this sense, the OSCE-Korea Conference, which was held in April 2005 in Seoul, has served as an important venue for sharing both regions' experiences and visions in this regard.

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